



Legislative Bulletin.....December 5, 2007

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Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 5

Total Cost of Discretionary Authorizations: \$57 million in FY 2008 and \$279 million over the FY 2008 – 2012 period

Effect on Revenue: 0

Total Change in Mandatory Spending: 0

Total New State & Local Government Mandates: 2

Total New Private Sector Mandates: 3

Number of Bills Without Committee Reports: 9

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 1

H.R. 3526—To include all banking agencies within the existing regulatory authority under the Federal Trade Commission Act with respect to depository institutions, and for other purposes (*Frank, D-MA*)

Order of Business: The bill is scheduled for consideration on Wednesday, December 5, 2007, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3526 grants the Federal Deposit Insurance Corporation (FDIC) and the Office of the Comptroller of Currency (OCC) the authority to make regulations regarding fraudulent, unfair and deceptive financial practices. Currently, only the Board of Governors of the Federal Reserve, the Federal Home Loan Bank Board, and the National Credit Union Administration have the authority to make such regulations.

Regulations made by the FDIC and/or OCC would have to be made jointly, in consultation with the other banking regulatory agencies. H.R. 3526 would also require that any new regulatory measures taken by the FDIC and/or OCC would be implemented in consultation with the Federal Trade Commission.

Additional Background: According to the Financial Services Committee, the Federal Trade Commission Act gives the Board of Governors of the Federal Reserve, the Federal Home Loan Bank Board, and the National Credit Union Administration the authority to write rules and regulations to prevent deceptive practices for banks, savings and loans, and federal credit unions. However, the three agencies rarely issue rules without prompting by the FTC. The FDIC (which insures bank deposits) and the OCC (which oversees all national banks) are not currently authorized to make regulations regarding unfair and deceptive practices for banking institutions under their supervision.

Committee Action: H.R. 3526 was introduced on September 14, 2007, and referred to the Committee on Financial Services, which held a mark-up and reported the bill by voice vote on October 23, 2007.

Cost to Taxpayers: According to CBO, H.R. 3526 would have no significant impact on federal spending. CBO estimates that the bill would require an increase in discretionary costs for the FTC by less than \$500,000 annually.

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Constitutional Authority: A committee report citing constitutional authority is unavailable. House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the specific powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.”

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

H.R. 4043—Preserving and Expanding Minority Depository Institutions Act (*Watt, D-NC*)

Order of Business: The bill is scheduled for consideration on Wednesday, December 5, 2007, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4043 would require the Chairman of the Board of Governors of the Federal Reserve System and the Comptroller of the Currency to consult with the Department of Treasury on ways to promote minority ownership of depository institutions.

The bill would also require the Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, and the Chairperson of the Federal Deposit Insurance Corporation to submit annual report describing the efforts being made to promote and maintain minority ownership of depository institutions.

Additional Background: Under current law the Office of Thrift Supervision (OTS) and the Federal Deposit Insurance Corporation (FDIC) are required to consult with the Department of Treasury regarding minority ownership of depository institutions. Other major banking regulatory agencies, such as the Federal Reserve and the Office of the Comptroller of Currency (OCC), do not have to make any such reports or consult with Treasury. Under H.R. 4043, all four banking regulatory agencies would be required to consult with Treasury and report their findings regarding minority ownership of banks and lenders.

Committee Action: H.R. 4043 was introduced on November 1, 2007, and referred to the Committee on Financial Services, which held a mark-up and reported the bill by voice vote on November 7, 2007.

Cost to Taxpayers: According to CBO, H.R. 4043 would have a “negligible net effect” on direct spending by increasing the responsibilities of the OCC, the OTS, and the FDIC, which would be offset by income from annual fees or deposit insurance premiums.

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Constitutional Authority: A committee report citing constitutional authority is unavailable. House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the specific powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.”

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

H.R. 2930—Section 202 Supportive Housing for the Elderly Act of 2007 (Mahoney, D-FL)

Order of Business: The bill is scheduled for consideration on Wednesday, December 5, 2007, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2930 would make several modifications to Housing and Urban Development's (HUD's) Section 202 Supportive Housing for the Elderly Program, which makes construction loans to non-profit developers for the construction of affordable housing for low-income seniors.

H.R. 2930 would require the Secretary of HUD to adjust assistance contract amounts for the section 202 program if the project income is inadequate to provide for "reasonable project costs."

The bill would allow certain state and local agencies to process capital advances for section 202 projects and allow those agencies to charge a "reasonable" fee for processing. H.R. 2930 would also expand the definition of a non-profit "owner" to allow national non-profit groups to be eligible under section 202. Section 202 projects intended for homeless elderly would be given higher funding preference.

H.R. 2930 would allow the owner of property financed through section 202 to seek refinancing for physical improvements to the housing even if the refinancing does not result in a lower interest rate. The bill would also authorize new lenders to underwrite risk sharing loans for section 202 projects. In addition, H.R. 2930 would eliminate restrictions on the amount of savings an owner may provide for supportive services to elderly occupants of section 202 housing.

H.R. 2930 would provide Senior Preservation Rental Assistance Contracts to non-profit owners whose section 202 project predates current rental subsidies. The bill would also permit voucher holders in assisted living facilities to pay more than 40% of their income for rent with the approval of HUD. Finally, the bill would clarify certain definitions, such as "assisted living facility" and "private non-profit organization."

Additional Background: The Housing Act of 1959 created the Supportive Housing for the Elderly Program. According to the Financial Services Committee, the program currently assists 292 development projects by providing low-interest loans for non-profit agencies that build and maintain affordable housing for elderly persons. The program was funded at \$735 million in FY 2007 and the President requested \$575 million in his FY 2008 budget. The Senate passed appropriations bill which funded HUD programs (S. 1789) funded section 202 housing program at \$735 million for FY 2008.

According the [Office of Management and Budget](#) (OMB), the section 202 Elderly Housing Program has not performed effectively and no clear results have been demonstrated. The OMB reports that “the program cannot demonstrate it has improved the well-being of poor elderly individuals. Development delays and cost increases are common in construction projects. Causes for delay include inexperience of non-profit sponsors in housing development and need for additional funding to complete projects.” H.R. 2930 is the Financial Services Committees attempt to streamline the Elderly Housing Program by expanding eligibility and making it easier to receive project funding. However, testimony given to the Financial Services Committee by representatives of HUD states that the agency is currently working on internal measures to strengthen section 202. No statement from HUD on this version of H.R. 2930 is presently available.

Committee Action: H.R. 2930 was introduced on June 28, 2007, and referred to the Committee on Financial Services which referred the bill to the Subcommittee on Housing and Community Opportunity. On September 25, 2007, a full committee hearing was held and the bill was reported, as amended, by voice vote.

Cost to Taxpayers: According to the original CBO score, H.R. 2930 would authorize \$212 million over the FY 2008 – FY 2012 period and cost \$94 million in direct spending in FY 2008. However, changes in the bill, namely the elimination of the “Subordination or Assumption of Existing Debt” provision (Sec. 205 (g)) and the “Mortgage Sale Demonstration” project would make the cost of direct spending “insignificant.” A CBO score including the readjusted discretionary spending levels was not available at press time.

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? [According to House Report 110-463](#), H.R. 2930 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

Constitutional Authority: [According to House Report 110-463](#), H.R. 2930 cites constitutional authority in Article 1, Section 8, Clause 1 (relating to the general welfare of the United States) and clause 3 (relating to the power to regulate interstate commerce).

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**H.R. 3505—Securities Law Technical Corrections Act of 2007
(Roskam, R-IL)**

Order of Business: The bill is scheduled for consideration on Wednesday, December 5, 2007, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3505 would remove all references to the Public Utility Holding Company Act of 1935 (PUHCA), which was repealed in 2006, from the Securities Exchange Act of 1934, the Trust Indenture Act of 1939, the Investment Company Act of 1940, and the Investment Advisers Act of 1940.

Additional Background: The Public Utility Holding Company Act of 1935, which was designed to enhance regulatory power over electric utilities, was repealed on February 8, 2006, with the adoption of the Energy Policy Act of 2005.

Committee Action: H.R. 3505 was introduced on September 7, 2007, and referred to the Committee on Financial Services, which held took no official action.

Cost to Taxpayers: A CBO score for H.R. 3505 was not available at press time.

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Constitutional Authority: A committee report citing constitutional authority is unavailable. House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the specific powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.”

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

**H.Con.Res. 251—Commending the National Renewable Energy
Laboratory for its work of promoting energy efficiency for 30 years
(Perlmutter, D-CO)**

Order of Business: The resolution is scheduled to be considered on Wednesday, December 5, 2007, under a motion to suspend the rules and pass the resolution.

Summary: H.Con.Res. 251 would express the sense that the House:

- “commends the National Renewable Energy Laboratory for its work of promoting energy efficiency for 30 years and seeking other avenues of energy independence because it enhances our national security, sustains our environment and creates jobs;
- “recognizes the achievements of the scientists and employees of the NREL and their exemplary service to the United States for 30 years; and
- “directs the Clerk of the House to transmit a copy of this resolution to the NREL for appropriate display.”

The resolution lists numerous findings, including the following:

- “in 1977 the Solar Energy Research Institute opened and was designated a National Laboratory of the United States Department of Energy;
- in September 1991 President George H.W. Bush changed the institute's name to the National Renewable Energy Laboratory (‘NREL’);
- the NREL is the Nation’s, and the world’s, preeminent laboratory for renewable energy and energy efficiency research and development;
- “the NREL has worked vigorously through research and development to develop wind energy resulting in innovative designs, larger turbines, and increased efficiencies leading to dramatic reductions in energy costs;
- “the NREL has also developed hydrogen energy scenarios that could be used to power the future and develop hydrogen infrastructure and delivery systems; and
- “the NREL has developed biomass research technology, which provides biomass industries with rapid analytical tools for making the highest value applications of biomass or analyzing biomass.”

Committee Action: H.Con.Res. 251 was introduced on November 8, 2007, and referred to the Committee on Committee on Science and Technology, which took official action.

Cost to Taxpayers: The resolution does not authorize expenditures.

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

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S. 2371—A bill to amend the Higher Education Act of 1965 to make technical corrections (*Kennedy, D-MA*)

Order of Business: The bill is scheduled for consideration on Wednesday, December 5, 2007, under a motion to suspend the rules and pass the bill.

Summary: S. 2371 would make technical corrections to the College Cost Reduction and Access Act of 1965.

S. 2371 would specify that, for the purposes of determining income, “untaxed income and benefits” shall not include:

- child tax credit claimed for Federal income tax purposes;
- welfare benefits;
- earned income credit claimed for Federal income tax purposes;
- foreign income excluded for purposes of Federal income taxes; or
- untaxed social security benefits.

S. 2371 would also specify that, for the purposes of the Higher Education Act, a married borrower who files a separate federal income tax return will have their income calculated solely on the basis of their student loan debt and adjusted gross income.

Additional Background: The Higher Education Act of 1965 was passed with the intent of strengthening colleges and universities and providing financial assistance to students in higher education. The Higher Education Act of 1965 has been temporarily reauthorized multiple times since the program’s last long-term authorization expired in 2006.

Committee Action: S. 2371 was introduced on November 15, 2007, after being passed in the Senate the same day. No official action was taken in the House.

Cost to Taxpayers: A CBO score for S. 2371 was not available at press time.

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Constitutional Authority: A committee report citing constitutional authority is unavailable. House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the specific powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.”

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

H.R. 2517—Protecting Our Children Comes First Act of 2007 ***(Lampson, D-TX)***

Order of Business: The bill is scheduled to be considered on Wednesday, December 5, 2007, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2517 would amend the Missing Children's Assistance Act to revise and specify grant programs operated by the National Center for Missing and Exploited Children through the Office of Juvenile Justice and Delinquency Prevention. The bill would also reauthorize and expand grant programs through 2013.

H.R. 2517 would require that grants made available by the administrator to the National Center for Missing and Exploited Children be used to conduct the following activities:

- Operate a national 24-hour toll-free telephone line by which individuals may report information regarding the location of any missing child;
- Operate the official national resource center for missing and exploited children;
- Provide information regarding free or low-cost legal, restaurant, lodging, and transportation available for missing and exploited children and their families;
- Coordinate public and private programs that locate, missing children;
- Develop and present an annual report on missing children statistics;
- Provide technical assistance and training to law enforcement agencies in cases involving missing and exploited children;
- Provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children;
- Provide assistance to law enforcement agencies in locating non-compliant sex offenders;
- Operate a cyber tipline to provide online users and electronic service providers an effective means of reporting Internet-related child sexual exploitation;
- Work to reduce the distribution on the Internet of images and videos of sexually exploited children;
- Operate the Child Victim Identification Program;
- Develop programs for the public to educate families and children regarding the prevention of child abduction and sexual exploitation; and
- Mobilize and coordinate financial companies and Internet services companies to identify and stop the use of the payment system to support commercial child pornography.

H.R. would authorize \$50 million annually to carry out the National Center for Missing and Exploited Children's grant programs through FY 2013.

Additional Background: According to findings listed in the bill, thousands of children are abducted or taken from their legal guardian every year. Many of these children face grave risks of physical and sexual harm and authorities often lack the resources to conduct timely, wide-spread rescue efforts. New technology and access to the Internet also offer a new way for predators to prey on children.

In 1984, two years after the Missing Children's Assistance Act was passed, the National Center for Missing and Exploited Children was established by President Reagan. The purpose of the Center was to provide a national resource for parents and local law enforcement searching for missing and exploited children. Today, the Center works with the Department of Justice, the Federal Bureau of Investigation, the United States

Marshals Service, the Department of the Treasury, the Department of State, the Department of Homeland Security's Bureau of Immigration and Customs Enforcement, and the Secret Service to protect and recover missing and exploited children.

Committee Action: H.R. 2517 was introduced on May 24, 2007, and was referred to the Committee on Education and Labor, which took no official action.

Cost to Taxpayers: A CBO score for H.R. 2517 was not available, but the bill would authorize \$50 million in FY 2008 and \$300 million over the FY 2008 – FY 2013 period, subject to appropriation.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, H.R. 2517 revises and expands grant programs administered by the National Center for Missing and Exploited Children.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Constitutional Authority: A committee report citing constitutional authority is unavailable. House Rule XIII, Section 3(d)(1), requires that all committee reports contain "a statement citing the specific powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution."

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H.R. 3791 — Securing Adolescents From Exploitation-Online Act of 2007 (SAFE Act) (*Lampson, D-TX*)

Order of Business: H.R. 3791 is scheduled to be considered on Wednesday, December 5, 2007, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3791 would reauthorize the Missing and Exploited Children's program, as well as modernize and expand the reporting requirements relating to child pornography to expand cooperation in combating child pornography.

H.R. 3791 would amend the federal criminal code to expand the reporting requirements of electronic communication and remote computing service providers (CSP) with respect to violations of child sexual exploitation and pornography laws.

H.R. 3791 requires that CSPs who are reporting violations of such laws to the CyberTipline of the National Center for Missing and Exploited Children provide the following information:

- information on the Internet identity of a suspected sex offender, including the electronic mail address, website address, uniform resource locator, or other identifying information;

- the time child pornography was uploaded or discovered;
- geographic location information for the offender;
- images of such child pornography; and
- contact information for the electronic CSP making the report.

H.R. 3791 also requires the National Center to forward each report which it receives from a CSP to a designated law enforcement agency.

H.R. 3791 sets a fine for any CSP or remote computing service provider who “knowingly and willfully” fails to make such a report at no more than \$150,000 for the first offense, and up to \$300,000 for the second offense.

H.R. 3791 states that nothing in the Act shall be construed to require an electronic CSP or remote computing service provider to monitor any user (either their communication or content) or “affirmatively seek facts or circumstances”. In addition, H.R. 3791 states that a law enforcement agency may disclose information from a report only to the following entities: to an attorney for the government, officers and employees of the law enforcement agency who are involved (if necessary), government employees who are assisting the attorney, an appropriate state official if necessary, or to a defendant in a criminal case, if such information pertains to their case.

H.R. 3791 sets liability protections for the involved CSP against civil claims or criminal charges. Specifically, these protections afforded to the CSP do not apply if they are found to be intentionally or recklessly mishandling evidence. Similar protections are afforded to for the National Center for Missing and Exploited Children for similar situations.

Furthermore, H.R. 3791 directs the National Center for Missing and Exploited Children to provide CSPs with “elements relating to any image reported to its CyberTipline ... for the sole and exclusive purpose of permitting that electronic CSP or remote computing service provider to stop the further transmission of images”.

Committee Action: H.R. 3791 was introduced on October 10, 2007 and was referred to the House Committee on the Judiciary where no further action was taken.

Cost to Taxpayers: No CBO estimate was available at press time.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: An earmarks/revenue benefits statement required under House Rule XXI, Clause 9(a) was not available at press time.

Constitutional Authority: A committee report citing constitutional authority is unavailable. House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the specific powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.”

RSC Staff Contact: Sarah Makin; sarah.makin@mail.house.gov; 202-226-0718.

H.R. 1759 —Managing Arson Through Criminal History (MATCH) Act of 2007 (Bono, R-CA)

Order of Business: H.R. 1759 is scheduled to be considered on Wednesday, December 5, 2007, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1759 would establish guidelines and incentives for states to establish arsonist registries and requires the Attorney General to establish a national arsonist registry and notification program.

H.R. 1759 requires that all states (including DC, U.S. territories, and any federally recognized Indian tribe) establish and maintain an arsonist registry, with the Attorney General issuing guidelines and regulations regarding the registry.

H.R. 1759 requires that every criminal arsonist register with the state, keep their registration current in each jurisdiction where the arsonist resides, is an employee, or is a student. The bill also sets certain specific requirements for the maintenance of the registry, including penalties for an arsonist failing to comply.

H.R. 1759 requires that the following information be provided by the arsonist:

- Full name;
- Social Security number;
- Address of each residence;
- Name and address of any place where the arsonist is an employee;
- Name and address of any place where the arsonist is a student;
- License plate number and a description of any vehicle owned or operated by the arsonist; and
- Any other information required by the Attorney General.

H.R. 1759 requires that the following information be provided to the registry by the jurisdiction:

- A physical description of the arsonist;

- Text of the provision of law defining the criminal offense;
- The criminal history of the arsonist;
- Current photograph of the arsonist;
- Set of fingerprints and palm prints of the arsonist;
- Photocopy of arsonist's drivers license or identification card; and
- Any other information required by the Attorney General.

H.R. 1759 requires that all arsonists must be registered in the database for five years following the first conviction; ten years following the second conviction; and for the life of the arsonist if convicted more than twice.

H.R. 1759 creates a National Criminal Arsonist Registry, maintained by the Attorney General, which must be easily searchable and available on the internet for fire safety and law enforcement officials. H.R. 1759 requires that states notify the Attorney General and appropriate state and law enforcement officials after criminal arsonists register or update their registration, or when arsonists fail to comply with the requirements.

H.R. 1759 also creates a new program, the Criminal Arsonist Management Assistance program within the Department of Justice. This program will provide grants to states to offset the cost of developing arsonist registries. In addition, this program will be able to grant "bonus" grants for jurisdictions who substantially implementing the registry within two years. The bill authorizes such sums as may be necessary for each of the fiscal years 2008 through 2013.

Possible Conservative Concerns: Some conservatives may be concerned that H.R. 1759 sets new mandates for all U.S. jurisdictions to develop and maintain arsonist registries. In addition, while not setting specific authorization amounts, H.R. 1759 authorizes "such sums as necessary" for the new programs and registry initiatives.

Committee Action: H.R. 1759 as introduced on March 29, 2007 and was referred to the House Committee on the Judiciary where on November 6, 2007 a mark-up was held, and the bill was reported, as amended, by voice vote.

Cost to Taxpayers: No CBO estimate was available at press time, but the bill authorizes such sums as may be necessary for a new program to provide grants to jurisdictions for maintenance and development of arsonist registries.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, this bill requires jurisdictions (states, the District of Columbia, U.S. territories, and any federally recognized Indian tribe) to develop and maintain arsonist registries.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: Yes, H.R. 1759 requires that states develop and maintain arsonist registries as required by the Department of Justice.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: According to Committee on the Judiciary [House Report 110-467](#), “In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 1759 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.”

Constitutional Authority: According to Committee on the Judiciary [House Report 110-467](#), “Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in Article I, Section 8 of the Constitution.”

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H.Res. 826—Expressing the sense of the House of Representatives that the hanging of nooses is a horrible act when used for the purpose of intimidation and which under certain circumstances can be a criminal act that should be thoroughly investigated by Federal law enforcement authorities and that any criminal violations should be vigorously prosecuted (*Green, D-TX*)

Order of Business: H. Res. 826 is scheduled to be considered on Wednesday, December 5, 2007, under a motion to suspend the rules and pass the resolution.

Summary: H. Res. 826 would express the sense that the United States should:

- “the hanging of nooses is a horrible act when used for the purpose of intimidation and which under certain circumstances can be criminal;
- “this conduct should be investigated thoroughly by Federal authorities; and
- “any criminal violations should be vigorously prosecuted.”

The resolution lists the following findings:

- “in the past two months, nooses have been found in a North Carolina high school, a Home Depot in New Jersey, a Louisiana school playground, the campus of the University of Maryland, a Columbia University professor's office door and a factory in Houston, Texas;
- “the Southern Poverty Law Center has recorded between 40 and 50 suspected hate crimes involving nooses since September;
- “since 2001, the Equal Employment Opportunity Commission has filed more than 30 lawsuits that involve the displaying of nooses in places of employment;
- “nooses are reviled by many Americans as racist symbols of lynchings that were once all too common;
- “according to Tuskegee Institute, more than 4,700 people were lynched between 1882 and 1959 in a campaign of terror led by the Ku Klux Klan;

- “the number of dead lynching victims in the United States exceeds the amount of people killed in the horrible attack on Pearl Harbor (2,333 dead) and Hurricane Katrina (1,836 dead) combined; and
- “African-Americans, as well as Italians, Jews, and Mexicans, have comprised the vast majority of lynching victims and only when we erase the terrible symbols of the past can we finally begin to move forward.”

Committee Action: H. Res. 826 was introduced on November 14, 2007, and referred to the Committee on the Judiciary where no official action was taken.

Cost to Taxpayers: The resolution does not authorize expenditures.

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

RSC Staff Contact: Sarah Makin; sarah.makin@mail.house.gov; 202-226-0718.

S. 888—Genocide Accountability Act of 2007 (*Durbin, D-IL*)

Order of Business: The bill is scheduled to be considered on Wednesday, December 5, 2007, under a motion to suspend the rules and pass the bill.

Summary: S. 888 would make genocide a federal crime for any lawfully admitted alien in the U.S., any stateless person whose habitual residence is in the U.S., or any person found U.S., even if that conduct occurred outside the U.S.

Additional Information: Under current U.S. law, only U.S. nationals or those who have committed acts of genocide within the U.S. can be federally charge with genocide.

Committee Action: S. 888 was received in the House on March 30, 2007, and referred to the Committee on the Judiciary. On April 20, 2007, the bill was referred to the Subcommittee on Crime, Terrorism, and Homeland Security, which took no official action.

Cost to Taxpayers: A CBO score of S. 888 was unavailable at press time.

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Constitutional Authority: A committee report citing constitutional authority is unavailable. House Rule XIII, Section 3(d)(1), requires that all committee reports

contain “a statement citing the specific powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.”

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H.R. 3690—U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007 (*Brady, D-PA*)

Order of Business: H.R. 3690 is scheduled to be considered on Wednesday, December 5, 2007 under a motion to suspend the rules and pass the bill.

Summary: H.R. 3690 would transfers each Library of Congress (LOC) police employee and each LOC civilian employee to U.S. Capitol Police jurisdiction.

H.R. 3690 states that a LOC Police employee shall become a member of the Capitol Police on the employee’s transfer date only if the Chief issues a written certification that the employee meets specified eligibility requirements. If such requirements are not met, then such employee shall become a civilian employee of the Capitol Police. The bill would also require that the determination for all employees be made before FY 2010.

H.R. 3690 exempts LOC Police employees who are transferred to the Capitol Police from federal mandatory separation law.

H.R. 3690 ensures that any “creditable service accrued” by LOC Police employees before being transferred to the Capitol Police jurisdiction be included in calculating the employee’s service for the purpose of the Federal Employees Retirement System (FERS) and the Civil Service Retirement System (CSRS).

H.R. 3690 requires that the LOC establish standards and regulations for the physical security, control, and preservation of the Library of Congress collections and property, and for the maintenance of suitable order and decorum within Library of Congress.

In addition, H.R. 3690 amends the Library of Congress Fiscal Operations Improvement Act of 2000 to provide for payment of Capitol Police services provided in connection with relating to Library of Congress Special Events.

Committee Action: H.R. 3690 was introduced on September 27, 2007 and was referred to the House Committee on House Administration. On November 7, 2007, the Committee held a mark-up on H.R. 3690 and ordered the bill to be reported, as amended, by voice vote.

Cost to Taxpayers: According to the CBO, “assuming appropriation of the necessary amounts, CBO estimates that implementing the bill would cost \$2 million over the FY 2008 – FY 2010 period and less than \$500,000 a year thereafter. We estimate that enacting the bill also would cause small annual increases in both revenues and direct

spending, resulting in a net increase in the federal deficit of about \$1 million over the 2008-2017 period.”

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? An earmarks/revenue benefits statement required under House Rule XXI, Clause 9(a) was not available at press time.

Constitutional Authority: A committee report citing constitutional authority is unavailable. House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the specific powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.”

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**S.J.Res. 8—A joint resolution providing for the reappointment of
Patricia Q. Stonesifer as a citizen regent of the Board of Regents of the
Smithsonian Institution (*Leahy, D-VT*)**

Order of Business: S.J.Res. 88 is scheduled to be considered on Wednesday, December 5, 2007, under a motion to suspend the rules and pass the resolution.

Summary: S.J.Res. 88 states, “Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring because of the expiration of the term of Patricia Q. Stonesifer of Washington, is filled by the reappointment of Patricia Q. Stonesifer, for a term of 6 years, effective December 22, 2007.”

Committee Action: S.J.Res. 88 was introduced on March 8, 2007, and referred to the House Committee on House Administration where no official action was taken.

Cost to Taxpayers: The resolution does not authorize expenditures.

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

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H.Res. 822—Recognizing the 100th anniversary year of the founding of the Port of Los Angeles (*Richardson, D-CA*)

Order of Business: H. Res. 822 is scheduled to be considered on Wednesday, December 5, 2007, under a motion to suspend the rules and pass the resolution.

Summary: H. Res. 822 would express the sense that the House:

- “recognizes the 100th anniversary year of the founding of the Port of Los Angeles, which is the Nation’s largest containerport;
- “congratulates the Port of Los Angeles for its achievements as a leader throughout its history in implementing modern and innovative transportation and goods movements systems that are compatible with responsible environmental stewardship; and
- “wishes the Port of Los Angeles continued success during its next 100 years as it strives to remain the Nation’s largest and most successful conveyor of the Nation’s and the world’s commerce.”

The resolution lists numerous findings, including the following:

- “on December 9, 1907, the Los Angeles City Council approved City Ordinance No. 15621, creating the Board of Harbor Commissioners and officially founding the Port of Los Angeles;
- “the Port was involved in World War II on a massive scale, with every vessel building operation assisting in the construction, conversion and repair of boats and ships for the war effort, and shipbuilding quickly became the Port of Los Angeles’s prime economic activity, with California Shipbuilding Corp., Bethlehem Shipbuilding Corp., Consolidated Steel Corp., Todd Shipyards and other enterprises collectively employing more than 90,000 workers;
- “the Port of Los Angeles is located in San Pedro Bay, California, and is part of the Southern California port complex which handles more than 43 percent of all goods arriving in the United States, impacting over 1,000,000 jobs nationwide;
- “the Port of Los Angeles as part of the San Predro Bay Port Complex has grown 246 percent over the past 11 years tripling its trade-related jobs, generating \$256,000,000,000 in commerce, and producing \$28,000,000,000 in tax revenue and is expected to triple again the amount of cargo handled by 2030;
- “in 2007, under the leadership of Los Angeles Mayor Antonio Villaraigosa, President S. David Freeman and the Board of Harbor Commissioners, and Executive Director Geraldine Knatz, the Port is celebrating its Centennial, commemorating the great strides made in its 100-year tradition of service as an international trade hub and maritime industry leader; and
- “from its tradition of handling fishing, lumber and hides at the turn of the century to today’s reputation for expeditiously moving a diverse, unprecedented global

cargo mix, the Port of Los Angeles now looks toward its next 100 years with a legacy as an undisputed international leader in setting global standards for industry-leading environmental initiatives, terminal efficiency and sustainable growth.”

Committee Action: H. Res. 822 was introduced on November 13, 2007, and referred to the House Committee on Transportation and Infrastructure where no official action was taken.

Cost to Taxpayers: The resolution does not authorize expenditures.

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

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H.R. 4253—To improve and expand small business assistance programs for veterans of the armed forces and military reservists, and for other purposes (*Altmire, D-PA*)

Order of Business: The bill is scheduled to be considered on Wednesday, December 5, 2007, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4253 would expand the Small Business Administration’s (SBA’s) grant and outreach programs for veterans and reservists and indefinitely extends the SBA’s committee on veterans’ affairs.

The bill would require the SBA Administrator to create at least two new Veterans Business Outreach Centers annually in 2008 and 2009 and continue to increase the number of outreach centers by an “appropriate” amount thereafter. H.R. 4253 would also create a new Women Veterans Business Training Resource Program for the purpose of collecting and disseminating information on small business resources available for female veterans. In addition, the bill would create a multiple-agency task force to coordinate federal efforts to improve veterans’ access to business programs.

H.R. 4253 would create the Reservist Enterprise Transition and Sustainability Program to assist small businesses owned by U.S. Armed Forces Reservists. Under the program, the SBA would make grants of up to \$300,000 available to veterans’ business assistance programs that provide assistance to small businesses owned by reservists. The bill would also require Small Business Development Centers (SDBC’s), which are funded by the SBA, to provide free business counseling and training to reservists. The bill would also

require the SBA to give grants of up to \$250,000 to SBDCs that promote services available to veterans.

H.R. 4253 would extend the time period that business would be eligible to apply for a SBA injury disaster loans due to military deployment. The bill also establishes an outreach program to make small business owners aware that injury disaster loans are made available for businesses owners being deployed.

Finally, H.R. 4253 would increase the maximum loan amount for SBA injury disaster loans due to military deployment from \$1.5 million to \$2 million. It authorizes the SBA to make such loans without collateral up to \$50,000 and allows those taking non-collateral loans to defer payments for one year. The bill would also extend the deadlines for filing loan applications for active duty military personnel.

Additional Background: The SBA currently provides services such as loan guarantees, business counseling, and technical assistance to veterans that wish to begin a small business. According to the SBA, services offered by the administration serve roughly 72,000 veteran entrepreneurs through current Small Business Development Centers and the Service Corps of Retired Executives. Over the past seven years, the SBA reports that it has guaranteed over 50,000 loans to veterans, totaling \$10 billion, through current SBA programs. H.R. 4253 is the thirteenth expansion of the SBA considered in the 110th Congress.

Committee Action: H.R. 4253 was introduced on December 4, 2007 and was referred to the Small Business Committee, which took no official action.

Cost to Taxpayers: A CBO score for H.R. 4253 was not available at press time. However, the bill would authorize \$7.1 million in FY 2008 and \$29.4 million over the FY 2008 – FY 2012 period.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, it creates new federal programs, administered by the SBA, to assist small businesses owned by veterans and military personnel.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: An earmarks/revenue benefits statement required under House Rule XXI, Clause 9(a) was not available at press time.

Constitutional Authority: A committee report citing constitutional authority is unavailable. House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the specific powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.”

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H.R. 4252—To provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through May 23, 2008 (Chabot, R-OH)

Order of Business: The bill is scheduled to be considered on Wednesday, December 5, 2007, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4252 would temporarily extend programs under the Small Business Act and the Small Business Investment Act of 1958 through May 23, 2008.

Additional Information: The SBA operates programs that offer grants, loan guarantees, technical assistance, and outreach programs for small businesses. The programs under the SBA have been reauthorized by multiple short-term extensions recently. Earlier this year, these programs were extended through July 31, 2007, by H.R. 434, which passed by a [roll call vote](#) of 413-2. On July 30, 2007, the programs were reauthorized through December 15, 2007, by voice vote.

Committee Action: H.R. 4252 was introduced on December 4, 2007 and was referred to the Small Business Committee, which took no official action.

Cost to Taxpayers: A CBO score of H.R. 4252 was unavailable at press time.

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Constitutional Authority: A committee report citing constitutional authority is unavailable. House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the specific powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.”

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